



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19112 of 2023
Crl.M.P.Nos.12792 & 12794 of 2023

1.Mr.Mohammed Fayaz

2.Mr.Sulthan

3.Mr.Basha

4.Mr.Bakkur

5.Mr.Sharief Basha

... Petitioners

Vs.

State Rep. by its
The Inspector of Police,
Town Police Station,
Salem City, Salem
(Crime No.49 of 2014)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.34 of 2014 pending before the Judicial Magistrate No.1, Salem and quash the same.



For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in C.C.No.34 of 2014 pending on the file of the Judicial Magistrate No.1, Salem.

2.The case of the prosecution is that the accused persons belonging to an Organization conducted a protest against Unlawful Activities (Prevention) Act, 1967 without getting any permission and they also burnt the Bare Act and raised slogans against the Central Government on the ground that it is being misused against the Muslims.

3.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

4.In the considered view of this Court, the protest conducted by the accused persons cannot be stated to be an unlawful assembly and the accused persons were



only expressing their grievance on the misuse of the Act against Muslims. The Court below has taken cognizance of the final report for offence under Sections 147, 188 and 285 of IPC. The issue involved in this case is squarely covered by the judgment of this Court in ***Jeevanandham and others Vs. State Rep. by Inspector of Police and another*** reported in ***2018 2 LW (Crl) 606***. Hence, this Criminal Original Petition is allowed and the proceedings in C.C.No.34 of 2014 pending on the file of the Judicial Magistrate No.1, Salem, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

25.08.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

ssr

To

1.The Judicial Magistrate No.1, Salem.

2.The Inspector of Police,
Town Police Station,
Salem City, Salem

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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